

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT
OF COMMERCE; et al.,

Defendants.

CIVIL ACTION NO. 1:18-cv-2921 (JMF)

**AFFIDAVIT OF SUSAN
BROWER**

Pursuant to 28 U.S.C. § 1746(2), I, SUSAN BROWER, hereby declare as follows:

1. I am over the age of eighteen and have personal knowledge of all the facts stated herein.
2. I obtained my Ph.D. in sociology from the University of Michigan.
3. I am the State Demographer for the State of Minnesota. As State Demographer, I oversee the Minnesota State Demographic Center ("the Center"). By statute, I am appointed by the Commissioner of Administration. Minn. Stat. § 4A.02(a). My duties are identified in Section 4A.02(b), and include gathering and developing demographic data relevant to the state; serving as the liaison to the United States Bureau of the Census; coordinating state and federal demographic activities; and aiding the state legislature in preparing a census data plan and form for each decennial census. I have been employed as the Minnesota State Demographer since 2012. My knowledge of the facts contained herein is based on my experience as a professional demographer, and in my capacity as the Minnesota State Demographer. My knowledge is also based on records I reviewed in my capacity as State Demographer, including records on Minnesota's redistricting, and on publically available data regarding the population and demographics of the State of Minnesota.

4. As liaison between the Census Bureau and the State of Minnesota with respect to redistricting, I inform the Census Bureau about the type of and format of data the State of Minnesota needs and wants to complete its redistricting. In order to identify what the State needs and wants in connection with redistricting, I anticipate communicating with the State of Minnesota legislative redistricting committees. Those committees have not been formed yet for the 2020 Census; based on the process for redistricting following the 2010 census, I expect each party caucus (one Republican and one Democratic Farmer Labor (“DFL”)) to form one committee per legislative chamber, such that there are four redistricting committees. I also anticipate working with the redistricting committees to send them the census data file from the Census Bureau and help them understand the data.

5. The Center works to ensure a full count and reduce non-response rates and undercounting. The Center’s outreach efforts are premised in part on providing residents accurate answers to their questions about the census. Residents have already asked questions about the impact of the citizenship question, and I expect those questions to continue. One question residents have asked relates to the confidentiality of survey responses. Census surveys are supposed to be confidential. That is one mechanism to encourage full participation to obtain an accurate count.

6. However, even if a specific person’s survey answers will not be public, some census data is generally made public on a very granular level. The U.S. Census produces some data at the block level. The block level is a low level of geography. For example, according to the 2010 Census Redistricting Data (Public Law 94-171) File, 26,213 blocks in Minnesota contained only one household; 95,220 blocks in Minnesota contained between one and nine households. That compares to the total of 151,646 blocks in Minnesota that contained more than zero households. In other words, 63% of the blocks in Minnesota that contained any households, contained fewer than ten households.

7. Relatedly, 5,685 blocks in Minnesota contained only one person; 87,135 blocks in Minnesota contained between one and nineteen people. That compares to 151,983 blocks in

Minnesota that contained more than zero persons. In other words, 57% of the blocks in Minnesota that contained any people contained fewer than twenty people. If the citizenship question is asked, therefore, the public would be aware on a block level, how many residents are non-citizens.

8. At a meeting with U.S. Census Bureau officials the week of July 30, 2018, in Los Angeles, I conveyed that Minnesota does not want to receive citizenship status at the block level. I did so because it is not necessary for redistricting, I believe that publishing that data could undermine the confidential nature of the survey, and I believe awareness that such data will be published could discourage residents from completing their census surveys.

9. I was informed by U.S. Census staff that even if the data was not published to the states in the form of a data file in connection with redistricting, if the Census gathers citizenship data, then it will make that data public on a block level. If I know that citizenship data will be published at a block level, it will be harder to give people assurances that their survey responses will be safe and confidential. Simply, the disclosure of block-level citizenship data will adversely affect our outreach and likely our response rates.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Executed on this 25 day of 10, 2018



SUSAN BROWER